

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

John D. Barnes, #16471-171,	)	C/A No. 8:11-906-JFA-JDA
	)	
Petitioner,	)	
v.	)	ORDER
	)	
D.B. Drew, Warden,	)	
	)	
Respondent.	)	
_____	)	

Petitioner John D. Barnes, a federal prisoner proceeding without assistance of counsel, seeks habeas corpus relief under 28 U.S.C. § 2241. Petitioner requests that this court compel the Federal Bureau of Prisons to recognize 733 days of jail credit while the petitioner was held in the Richland County Detention Center before he was sentenced by this court.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a thorough Report and Recommendation and opines that the case should be transferred to the United States District Court in the Middle District of Florida. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 21, 2011. However, petitioner

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

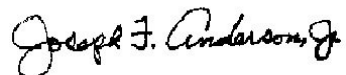
did not file objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

In the Report and Recommendation, the Magistrate Judge opines that petitioner's claims must be presented to his immediate custodian, the Warden of FCI Coleman in Coleman Florida. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) (holding that "when the Government moves a habeas petitioner after [h]e properly filed a petition naming [his] immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent *within its jurisdiction* who has legal authority" to effectuate the remedy directed by the court) (emphasis added).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, the petition is transferred to the United States District Court for the Middle District of Florida, Ocala Division.

IT IS SO ORDERED.

June 6, 2011  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge